

STATEMENT BY
THE HONORABLE THOMAS A. CLINGAN, Jr.
BEFORE THE
HOUSE MERCHANT MARINE AND FISHERIES
COMMITTEE
MONDAY, MAY 19, 1975

Mr. Chairman,

Let me first express my appreciation to you for providing this opportunity to share with you my preliminary views concerning the recently concluded third session of the United Nations Law of the Sea Conference. Ambassador Moore has commented on the results in a comprehensive way, so with your permission, I would like to restrict my comments today primarily to the question of fisheries.

At its 55th plenary meeting on Friday, April 18, the Law of the Sea Conference requested the Chairman of each of the three main committees to prepare a single negotiating text covering the subjects entrusted to his committee. The President of the Conference indicated that these texts should take into account all formal and informal discussions which had transpired, and that they should not prejudice the position of any delegation. The resulting "Informal

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Single Negotiating Text" was delivered to the various delegations on the final day of the Conference, thus the NSC Interagency Task Force on the Law of the Sea has not yet had the opportunity to fully assess the document and review our options. Accordingly, my comments must be of a very preliminary nature.

The single negotiating text must be viewed as a procedural device providing the basis for further negotiations, and is not a negotiated text or an agreed compromise. It does not affect any nation's national position. Thus, with respect to fisheries as well as other issues, it must be viewed as amendable in future work sessions. However, as Ambassador Moore has indicated, the significance of the text should not be overlooked. Its roots are in the negotiations, and it is not to be seen as arbitrary or without substance. In some areas it reflects broadly shared views.

Negotiations regarding fisheries issues were conducted at a more intensive level than in previous sessions of the Conference, and they built upon a framework of prior consultations among nations, both

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of a bilateral and small multilateral character. Much of the work product in the unified text was the result of discussions among a group of about 30 nations working under the guidance of Minister Jens Evensen of Norway, while at the same time reflecting the efforts of similar negotiating groups. With regard to the latter, the text seeks to take into account the needs of landlocked and geographically disadvantaged states as well as coastal states.

As was our hope, the unified negotiating text contains articles on the full utilization of coastal species and separate treatment for highly migratory and anadromous species, primarily tuna and salmon. These articles will require careful study and must be analyzed in conjunction with the entire text to make a proper judgment as to their value and overall negotiability. I can comment on a few items on a very preliminary basis, however. First, the fisheries articles read as a whole have a strong tilt in the direction of advancing the interests of coastal states. This overall inclination would tend to strengthen our own position regarding our coastal fisheries.

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The concept of full utilization which has been advocated by the United States has been included. Of course, the coastal state has a clear preference in coastal stocks to the limit of its harvesting capacity not to exceed the maximum yield. At the same time, the coastal state is required to ensure through proper conservation measures that the living resources within any economic zone are not endangered by over-exploitation.

Next, I should like to point out that the salmon article appearing in the text was widely discussed both among states in whose waters the fish originate and states fishing for salmon. The text appears to have broad support within that group, and it represents a careful balancing of the interests of all of the states involved in the Atlantic as well as the Pacific fisheries.

The tuna article is disappointing. On the positive side, that article calls for the establishment of appropriate international organizations in each region and requires all states to participate in their work. However, the fisheries management and allocation

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aspects of this article are not good. Nevertheless, it is our view that we are probably better protected by having a single text to be further negotiated than we would have been had there been no article on tuna at all.

In addition to these major articles, Mr. Chairman, there are provisions in the unified text giving coastal states the same rights over sedentary species on the continental shelf as presently provided for in the Continental Shelf Convention of 1958, and an article setting forth special rules for cooperation among states bordering on enclosed or semi-enclosed seas regarding living resources. There are also articles calling for protection for marine mammals.

As you are aware, Mr. Chairman, the next meeting of the conference will be an eight week session in New York beginning March 29, 1976. During the intervening period much work will have to be done. The Executive Branch is undertaking an extensive review and assessment of the informal single negotiating text with a view toward establishing the options open

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to us and the most profitable way we can spend the months available to us. Following such a review, representatives of the Executive Branch would appreciate the opportunity to appear before you again to discuss in more detail our assessment. As Ambassador Moore has stated, our review will necessarily take into account the views of Congress, and our evaluation will be an objective one. It continues to be our desire to work closely with this Committee and the Congress in moving toward a successful solution to our many problems.

In this regard, let me join with Ambassador Moore in expressing my appreciation for the help and assistance of the many members who visited us in Geneva, and, indeed, for the support of this Committee in all of our work. While we may have differed on questions of timing, our objectives in achieving the maximum benefit for our fisheries, consistent with sound principles of conservation, have never been different from yours. Your continued support of these objectives

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will enable us to carry forth constructive work
during the next weeks and months.

Thank you, Mr. Chairman.